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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,356	04/15/2004	Kenneth L. Willeford	03392-PA	8645

7590 06/14/2007 ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP Suite 220 502 Washington Avenue Towson, MD 21204	
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EXAMINER DOUGLAS, STEVEN O	
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ART UNIT 3771	PAPER NUMBER
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MAIL DATE 06/14/2007	DELIVERY MODE PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,356

Applicant(s)

WILLEFORD, KENNETH L.

Examiner

Steven O. Douglas

Art Unit

3771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04152004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, clear and proper antecedent basis for the “internal passages” (line 7) should be defined. Also in regard to claim 1, it is indefinite as to which “passages” (line 8) Applicant is referring to since a “passage”, a “second passage” and “internal passages” have been previously claimed.

In regard to claim 4, clear and proper antecedent basis for the “internal passages” (line 8) should be defined. Also in regard to claim 4, it is indefinite as to which “passages” (line 9) Applicant is referring to since a “passage”, a “second passage” and “internal passages” have been previously claimed.

In regard to claim 6, clear and proper antecedent basis for the “internal passages” (line 8) should be defined. Also in regard to claim 6, it is indefinite as to which “passages” (line 9) Applicant is referring to since a “passage”, a “second passage” and “internal passages” have been previously claimed.

In regard to claim 8, clear and proper antecedent basis for the “internal passages” (line 8) should be defined. Also in regard to claim 8, it is indefinite as to which “passages” (line 9)

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Applicant is referring to since a "passage", a "second passage" and "internal passages" have been previously claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Niermann et al. and Branower references pertain to ventilation systems with associated stopcocks and the Daniellson reference pertains to an infusion system with a stopcock which accommodates an instrument. However, none of the prior art of record, alone or in combination appear to teach an open bronchoscopy oxygenation system and method comprising a combined reservoir for a pressure relief valve and a stopcock with a second passage for receiving an instrument, wherein the stop cock is attached to a passage running from the stopcock allowing for the passage of oxygen, an instrument or fluids, as claimed.

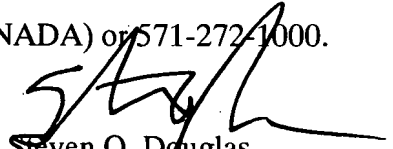
Claims 1-9 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven O. Douglas whose telephone number is (571) 272-4885. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Steven O. Douglas
Primary Examiner
Art Unit 3771

6/7/07

SD
6-7-07